

# IN THE SUPREME COURT OF TEXAS

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NO. 21-0262

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DON ZIMMERMAN, PETITIONER

V.

CITY OF AUSTIN; AND SPENCER CRONK, IN HIS OFFICIAL CAPACITY AS  
CITY MANAGER OF THE CITY OF AUSTIN, RESPONDENTS

## MANDATE

### **To the Trial Court of Travis County, Greetings:**

Before our Supreme Court on December 30, 2022, the Cause, upon petition for review, to revise or reverse your Judgment.

No. **21-0262** in the Supreme Court of Texas

No. **08-20-00039-CV** in the **Eighth** Court of Appeals

No. **D-1-GN-19-005930** in the **98th District Court** of **Travis** County, Texas, was determined; and therein our said Supreme Court entered its judgment or order in these words:

THE SUPREME COURT OF TEXAS, having heard this cause on petition for review from the Court of Appeals for the Eighth District, and having considered the appellate record and counsels' briefs, but without hearing oral argument under Texas Rule of Appellate Procedure 59.1, concludes that the judgments of the court of appeals and the trial court should be vacated.

IT IS THEREFORE ORDERED, in accordance with the Court's opinion, that:

- 1) The judgments of the court of appeals and the trial court are vacated;
- 2) The cause is remanded to the trial court for further proceedings; and
- 3) The parties shall bear their own costs incurred in this Court.

Copies of this judgment and the Court's opinion are certified to the Court of Appeals for the Eighth District and to the 98th District Court of Travis County, Texas, for observance.

**Wherefore we command you** to observe the order of our said Supreme Court in this behalf, and in all things to have recognized, obeyed, and executed.

BY ORDER OF THE SUPREME COURT OF THE STATE OF TEXAS,



with the seal thereof annexed, at the City of Austin,  
this the 2nd day of February, 2023.

Blake A. Hawthorne, Clerk

A handwritten signature in black ink that reads "Blake A. Hawthorne". The signature is fluid and cursive, with a long horizontal stroke at the end.

By Monica Zamarripa, Deputy Clerk